

NEW PAROLE LAW, NOT GOVERNOR, IS FREEING CONVICTS

Biennial Report of Supt. Curtis Explains Misunderstood Prison Policy; 2 Years Cost, \$142,000, Half Earned Back

(Salem Bureau of The Journal.)
Salem, Or., Dec. 3.—Governor West's prison policy as carried out under the provisions of the new parole and indeterminate sentence laws, is defined in the biennial report of Superintendent Frank H. Curtis of the state penitentiary. The report covers the two years ending September 30, 1912.

In addition, the report makes clear the operation of the funds, and explains the improvements and work done at the institution. The report says:
"Owing to the extension of our indeterminate sentence and parole law by the last legislature, and its being made applicable not only to all those who might hereafter be convicted of crimes for which the maximum punishment was a definite term of years, but also to all prisoners of the same class then serving time, the governor was called upon to release, and within a short time, a large number of prisoners. Largely because of this, and the further fact that the parole law was not fully understood by the public, the impression got abroad that the prison doors were swinging outward for criminals of all classes and without regard to the rights of society. There was therefore much unjust criticism of a policy founded upon right and justice, and which has come to stay. Prior to the passage of this act, prisoners were frequently given their release through the granting of conditional pardons. A conditional pardon is similar to a parole, in that it keeps the prisoner under the institution's control until such a time as a full pardon is granted.

Keeping a String on the Convict.
"Before the adoption of our indeterminate sentence and parole laws few releases or discharges from prison were due to executive clemency; nearly all were due to expiration of sentence. Today, however, owing to the provisions of the new law, practically every man must secure his release through the parole board and the governor, and it is thus made to appear that unusual executive clemency is being exercised, when in fact it is the mere following of the law. It is the mere tying of a string to the prisoner, so that he may be drawn back to the prison to serve, perhaps, the maximum sentence imposed by law, should he fail to conduct himself in accordance with the terms of his parole, as a law abiding and useful citizen.

"During the year ending September 30, 1913, there were 271 discharges from the penitentiary. During the past year, and under the operation of the indeterminate sentence and parole law and with a greater prison population, the releases were 270.

Table No. 19 of the clerk's report

shows the record of 180 men paroled from January 1, 1911, to September 30, 1912. Prior to that date the paroles, owing to the narrowness of the old law, were few in number, and no such complete record was then kept to show the movements of those out on parole. The table referred to shows that 12 1/2 per cent of those paroled have been returned for violation of their paroles, or are serving time in other prisons; that an additional 17 1/2 per cent have failed to make their reports as called for, and are therefore listed as parole violators. It appears, therefore, that but a small percentage of those paroled failed to make good. Reports to this office show those on parole have earned \$23,696.70 since their release.

"We have made mistakes in administering our parole law, but we have also learned many things which will be of help to us in the future and go far to make the parole system a fixture.

"The average daily population during this term was 437, compared with the previous two years, shows an increase of 23.

"The escapes during the past biennial period were 40; the escapes for the previous biennial period, 11.

Monthly Per Capita \$12.67
"The betterment appropriations made by the last legislature, although small, taken together with the balance in the 'betterment fund,' and the amount expended from the 'revolving fund' made possible many greatly needed improvements and the installation of a few long needed industries. Of the \$145,000 appropriated for general maintenance for the year 1911-1912, there remains an unexpended balance of \$11,587.87 to carry us to the first of the year. The monthly per capita cost of maintenance has been \$12.67. The per capita cost per day for provisions alone has been but 12-1-3 cents.

"The time will come soon when the state will be in need of additional farm lands, and it would be good business to buy today, for it is only a question of time when prices upon the tracts desired will become almost prohibitive. A tract of about five acres lying just east of the prison should be purchased at this time. It cuts into the state's lands, and its occupancy by an undesirable tenant would cause the prison authorities no little annoyance.

New Industries and Buildings.
"Many long needed improvements have been made in and about the main buildings, barns and outbuildings. Better housing facilities for our farm equipment have been provided and model hog houses and chicken yards have been constructed. We have made an effort to remove every old dilapidated and useless structure from the premises, and have thus greatly improved the appearance of the institution and grounds. Many new industries have been installed with a view of utilizing the surplus labor which was thrown upon our hands through cancellation of the foundry contract. While these industries must be classed at this time as 'infants,' they will grow, and in time prove a great source of revenue for the state.

"The labor furnished state institutions and counties has been charged against such institutions and counties at 75 cents per day, but not collected. The amount of labor furnished for public works and not collected for the two years ending September 30, 1912, amounted to \$29,515.75. The cash revenue from all sources amounted to \$49,955.01, making a total of \$70,570.76. It will be seen, therefore, that the earnings have amounted to just about one half of the institution's maintenance cost.

ROADS WILL FIGHT MEDFORD FREIGHT RATES MEASURE

"Rule Impossible of Observance," It Is Said; Suit First Against Any Bill Passed at Last Election.

The railroads of Oregon, led by the Hill lines, will fight in United States court the enforcement of the Medford freight rate bill. The Oregon Electric will enter suit in federal court immediately to have the law declared invalid because "impossible of observance."

The present freight tariffs will be continued although under the new law the railroads are liable for a fine of \$100 for each carload shipped in violation thereof. This violation dates, technically, from 7 p. m., November 5, when the polls closed.

The contest of the freight rate bill is the last election. The Hill lines are taking the lead of other roads in protest because the tariff which was submitted to govern freight carrying on the extension to Eugene of the Oregon Electric was returned by the railroad commission because it was not in conformity with the new law.

Damage to Shippers.
The tariff submitted to govern rates on the new line is on the same basis as is, and has been, in force on the Southern Pacific. Technically, all lines that have not conformed their tariffs to the Medford freight rate bill are equally violating the law. The bill was numbered 233-11 in the official ballot and was adopted by a vote of 5,899 affirmative to 44,719 negative.

"That the damage to shippers and carriers would be much greater than a fine of \$100 per car if the new law were to be sustained is asserted by William E. Coman, general freight and passenger agent of the Hill lines in Oregon. The operation of the law, says Mr. Coman, would be revolutionary. Business could not be carried on under it. When it is considered that the fine of \$100 on every car of freight carried on every Oregon line would quickly amount to a great sum, the hostility of railroads and shippers is understood the better in contrast.

Rate experts do not come forward with explanations or defenses of the law. Generally they term it "weird" legislation, and say its terms are scarcely capable of explanation.

Give Roads' Attitude.

The attitude of the Hill lines was stated by Mr. Coman after a conference with the system's attorneys, Carey & Kerr, this morning. It follows:
"While the state railroad commission has not accepted our new tariff naming freight rates on the Oregon Electric south of Albany, we will open freight service on our new extension to Eugene next Thursday, as previously announced, and we will charge the rates named in the tariff which was offered to the commission, but rejected by the commission. The rates in this tariff between Portland and Eugene and other points are the same as those in effect on the lines of the Southern Pacific, and as they are on the same general basis as rates now being charged on all lines within the state, there need be no question in the minds of shippers about the freight rates on the Oregon Electric.

"Utterly Impossible," They Say.
"The Oregon Electric Railway company believes that the initiative act under which the commission refused to receive the proposed tariff is utterly impossible to comply with. This is the opinion generally of all the carriers and none of the railroads of the state has as yet changed existing rates. To comply with the new law would revolutionize rates and make such tremendous and radical changes as to put industries out of business everywhere and create a condition of confusion unparalleled in the history of the state. The Oregon Electric company and the other carriers in the state, believing that the act is impossible of performance and therefore invalid, are proceeding at once to initiate suits in the courts with the idea of having the law judicially declared invalid."

VICE SCANDAL TRIAL WILL BEGIN TUESDAY

At 9:30 o'clock next Tuesday morning Dr. Harry A. Start will be placed on trial, the first of the men gathered in the vice scandal to be tried. Two indictments are outstanding against him and the second will be tried immediately following the first trial.

On the morning of December 17 E. E. Wedemeyer, bookkeeper for a manufacturing establishment, will be brought to trial on charges of a similar nature and the second indictment in this regard, the first trial. Both defendants pleaded not guilty when arraigned before Circuit Judge Morrow this morning.

Deputy District Attorney Frank Collier declared he expects to try but one of the indictments against each defendant. He will handle the prosecution of the cases. Start is out under bonds of \$5000 and Wedemeyer is in jail unable to raise bonds.

E. S. J. McAllister was arraigned last evening in the chambers of Circuit Judge Morrow and asked to be allowed to plead next Friday. This request, as well as the waiving of the reading of the two indictments, was granted.

The arraignment of N. E. Healy on similar charges will be heard by Judge Morrow this afternoon. Healy is in jail unable to furnish bonds and an early date will be given him for trial.

T. J. MURPHY HEADS PORTLAND HIBERNIANS

Division No. 1, Ancient Order of Hibernians, held their annual election of division officers in the W. O. W. hall last night, with the following results: President, T. J. Murphy; vice president, Emmet Dooney; treasurer, Andy Weinberger; recording secretary, Joseph Brady; financial secretary, D. J. McLoughlin; inside sentinel, R. M. Maney; outside sentinel, R. E. Barrett; standing committee, W. P. Lillis, Edward Barrett, D. W. Lane, J. W. Ghormley, Charles Duggan.

Says He Was Robbed of \$10.
On a complaint of J. D. Ward that he had \$10 taken from him by Ernest W. Foster, the latter was arrested last night by Detectives Craddock and Gotta in the north end. Ward says Foster gave him liquor and lured him to a room, where the robbery happened. Eight years ago Foster was arrested for larceny.

NATIONAL BANKS' DEPOSITS SHOW NOTABLE GAINS

General Prosperity of Portland and Oregon Indicated by Reports From Five Financial Institutions of the City.

Steady increase in deposits and in the resources of the local banks is seen in the published bank statements made today on the call of the comptroller of currency for reports on conditions at the close of business November 26.

Reports from the five national banks showed on the close of business November 26 total deposits of \$35,931,571, as compared to \$35,753,855.69 on September 4, the date of the last call, and \$35,668,240.13 on December 5, 1911.

Comparison of the figures of last December with the call today shows the resources of the national banks have increased from \$42,940,498.73 to \$45,398,261.44, a difference of \$1,457,855.06. Cash on hand and exchange was slightly lower than in September.

The healthy condition of the national banks is reflected in the reports of the state banks, which show satisfactory increases both in resources and deposits over the figures of the last report.

The total deposits in the banks whose names and amount of deposits are appended below, amounted to \$69,952,189.09 of November 26, according to today's reports, while the cash on hand amounted to \$22,291,287.55, and the resources combined totaled \$51,439,905.37.

Merchants Savings \$ 445,890.00
Bates 1,018,164.10
Ladd & Tilton 13,877,540.87
First National 15,712,556.42
United States 20,890,042.53
Lumbermen 4,781,282.23
Merchants National 2,268,779.73
Bank of California 4,238,850.08
Scandinavian 951,214.64
Hibernia Savings 2,414,216.28
Portland Trust 2,954,731.87
Citizens Bank 782,867.87
Security Savings 7,575,696.84
Hartman & Thompson 268,222.73

Several bankers stated today that their deposits today are much in excess of amounts they were compelled to report in, which indicates that the general prosperity is much better than the statements show.

LONG WAIT COSTS WOMAN HER HOME

Mrs. Eva G. Guinn "Inexcusably" Waited 3 Years to Sue, Says Court.

(Salem Bureau of The Journal.)
Salem, Or., Dec. 3.—The decision of the circuit court for Baker county is affirmed by the supreme court in the case of Eva G. Guinn, appellant, vs. Sumpter Valley Railway company, David Eccles and Grant Geddes. This was a suit in equity for the cancellation of two deeds whereby Mrs. Guinn transferred her home in Baker to the officials of the railroad company to keep her husband from being prosecuted for larceny from the company. Her husband, Louis A. Guinn, was an employee of the company.

The plaintiff asserts that the conveyances were made solely by reason of fear, coercion and restraint, contrary to her will, and upon the demand of the defendants, in order to save her husband, who when accused acknowledged pecuniary losses from the company. This suit to set aside the deeds was commenced about three years after the deeds had been given, and the trial court found that the two conveyances were executed under duress, but held that by reason of the plaintiff's inexcusable delay in commencing the suit for an unreasonable length of time she was guilty of laches and precluded from relief.

In affirming this decision the supreme court declares the plaintiff's long acquiescence in the arrangements was inexcusable.

In the case of the Nevada Ditch company, appellant, vs. Pacific Livestock company, appellant, from Malheur county, the decision of the lower court is affirmed. This was a suit for \$10,000 damages alleged to have been sustained by the plaintiff corporation and the stockholders thereof from the defendant plaintiff's irrigation canal through the unlawful diversion of water by the defendant corporation. The court held that the plaintiff did not properly bring the suit.

The circuit court for Coos county is reversed in the case of Lewis Strong vs. Coos county, appellant. This was an appeal from the judgment of the circuit court sustaining a writ of review and setting aside an order of the county court of Coos denying a petition for the establishment of a county road.

R. E. Baker, appellant, vs. M. F. Seaward, appellee, from Malheur county; action to recover \$750; reversed and remanded.

Frank E. Hodgkin, appellant, vs. John Boswell, appellee, from Malheur; suit to set aside a deed; reversed and a plea entered in favor of plaintiff.

Big Lumber company, vs. Grater Lumber company, appellant, from Klamath; action to recover money; affirmed.

WITH SON IN HIS ARMS MAN, WIFE-SPURNED, STANDS BEFORE TRAIN

Boy's Head Is Cut Off While Father, Living, Moans He Didn't Want It That Way.

(United Press Lead Wire.)
Seattle, Wash., Dec. 3.—Because his wife would not return to him, C. A. Johnson, 35 years old, a laborer, stood in front of an incoming passenger train at 8 o'clock this morning with his 6-year-old son, Douglas, in his arms. The train threw the man from the track, mangled, but not dead. The wheels of the engine and train passed over the boy, cutting off his head.

Johnson and his wife had been married eight years. They quarreled frequently, and finally separated. Johnson took the boy and went to Montana, returning last Friday. He found his wife and tried to patch up their quarrel. When she refused to return to him he threatened suicide.

He and Douglas visited Mrs. Johnson at 4:30 this morning. "If you won't come back to us we will both go," said Johnson.

The woman did not believe he meant it and she refused.

The man and boy were later seen leaving the Oregon-Washington depot going south. About half a mile from the depot they met the train. The man gathered the boy up in his arms and stood on the track disregarding the frantic whistling of the engine. The engineer was unable to stop up in time. Johnson has cuts about the head and a number of broken ribs.

"I didn't want it to turn out that way," he moaned in his hospital cot. "I wanted to go with the boy."

ENGINE BACK ON STEAMS OFF AGAIN

(Special to The Journal.)
Oregon City, Or., Dec. 3.—It is a case of "off again, on again" with that Southern Pacific locomotive which was "arrested" yesterday at the Fifteenth street crossing for obstructing the streets in violation of a city ordinance. Last night the engine was once more on the spot where the Clackamas southern wishes to cross the main line of the rival company. It was there at 9 p. m., but this morning at 8 was back once more on the sidetrack where the arrested train crew yesterday ran it at the request of Chief Shaw, who served warrants signed by Mayor Dimick.

George C. Brownell, who is looking after the Southern Pacific's interests here temporarily, said today that his company realized it could not prevent from crossing their line, but that as both

GEORGE S. SHEPHERD TO BUILD NOAH'S ARK

(Special to The Journal.)
Olympia, Wash., Dec. 3.—George S. Shepherd of Portland filed articles here today with the secretary of state for "Noah's Ark," a \$1,500,000 corporation, to build a big ship for a traveling menagerie and circus. Paul H. Best of Portland and James P. Stapleton of Vancouver are among the incorporators.

Journal Want Ads bring results.

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With CHAPINE the Charming French Prima Donna—79 People—20 Orchestra.
Evenings, lower floor, 11 rows, \$2.00; 7 rows, \$1.50; Balcony, \$1.00, 75c, 50c; Gallery, 50c. Pop. price Wed. Mat., \$1.75c, 50c, 25c, 10c. Seats now selling.

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With the Popular ZOE BARNETT. Excellent Cast and Production. Evenings: Lower floor, 11 rows, \$2; 7 rows, \$1.50; Balcony, \$1, 75c, 50c. Gallery, 50c. Special price Saturday Matinee, \$1.50, \$1, 75c, 50c, 25c, 10c.

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All Week—Mat. Wed. and Sat.
The popular Baker Players in the powerful emotional drama, "THE WOMAN HE MARRIED," as played by Virginia Harned. Intense Acting Scenes—Gripping Situations—Clever Comedy. Eve., 25c, 35c, 50c. Mat. 25c. Next week, "The Greyhound."

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GEORGE B. RENO & CO. In "The Mist Army."
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We serve an appetizing luncheon every week day from 12 to 2, in the main dining room, at 50 cents. The service is prompt, giving you ample time to eat leisurely. Try it tomorrow.

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From 3 to 5:30 affords pleasure and relaxation to many shoppers. You will enjoy it.

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